

IN RE: PETITION FOR ZONING VARIANCE  
S/S Reisterstown Road, 390' W  
of the c/l of Cherry Valley Road  
(11702-11716 Reisterstown Road)  
4th Election District  
2nd Councilmanic District  
Philip Klein, General Partner  
Turnpike Associates - Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 416 parking spaces in lieu of the required 545 parking spaces for an existing shopping center in accordance with Petitioner's Exhibit 1.

The Petitioner, by William Berman, appeared, testified and was represented by Julius W. Lichter, Esquire. Also appearing on behalf of the Petition were Da Wei Chu and Ken Colbert. There were no Protestants.

At the onset of the hearing, Counsel for Petitioner advised this Deputy Zoning Commissioner that the instant Petition incorrectly requested a variance of 471 parking spaces in lieu of the required 545 parking spaces and requested an amendment of said Petition to request a variance of 416 parking spaces in lieu of the required 545. The petition was so amended and a revised site plan submitted to accurately reflect the number of parking spaces for which the variance is requested.

Testimony indicated that the subject property, known as 11702 through 11716 Reisterstown Road, consists of 7.758 acres zoned B.L.-C.N.S., and is improved with a strip shopping center known as Cherryvale Plaza. Petitioner is desirous of modifying the existing facility to include an addition to a restaurant on the site in accordance with Petitioner's Exhibit 1. As a result of the proposed addition, and factoring in the parking

requirements for sit-down restaurants, additional parking spaces are needed. Petitioner testified that the subject site currently provides 407 parking spaces which met parking standards in effect at the time of its original development. Testimony indicated the existing parking lot will be relined to provide 9 additional spaces bringing the total available parking spaces to 416. Petitioner argued that the relief requested is necessary in order to make the proposed improvements and comply with current zoning regulations to the extent possible. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare and that strict compliance will result in practical difficulty and unreasonable hardship.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R.

- 2 -

and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23<sup>rd</sup> day of January, 1992 that the Petition for Zoning Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 416 parking spaces in lieu of the required 545 parking spaces for a proposed restaurant in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 1/23/92  
By [Signature]

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

January 23, 1992

(410) 887-4386

Julius W. Lichter, Esquire  
305 W. Chesapeake Avenue, Suite 113  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
S/S Reisterstown Road, 390' W of the c/l of Cherry Valley Road  
(11702-11716 Reisterstown Road)  
1st Election District - 1st Councilmanic District  
Philip Klein, General Partner for Turnpike Associates - Petitioner  
Case No. 92-244-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

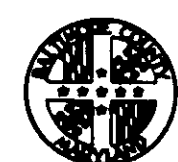
Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. William Berman  
115 Sudbrook Lane, Suite 200, Baltimore, Md. 21208

People's Counsel

File



## Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and a part hereof, hereby petition for a Variance from Section 409.6(A)(2) to permit 416 parking spaces in lieu of the required 545 parking spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
The existing tenant mix has not required the need to utilize the existing parking spaces, thus leaving the parking lot under-utilized. Space is not available within the project site to expand the existing parking. Strict compliance with the parking requirements would restrict the potential for expansion of the existing restaurants.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Philip Klein, Gen'l Partner  
Turnpike Associates  
(Type or Print Name)

[Signature]  
Signature

[Signature]  
(Type or Print Name)

[Signature]  
Signature

115 Sudbrook Lane, Ste 200  
Baltimore, Maryland 21208  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William Berman  
115 Sudbrook Lane, Ste 200  
Baltimore, Md. 21208  
City and State Phone No.

ESTIMATED LENGTH OF HEARING 1/2 HR. 4/100  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER  
REVIEWED BY: Lo DATE: 12-12-91

#### ZONING DESCRIPTION

CHERRYVALE PLAZA  
FOURTH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME AT A POINT ON THE NORTHWEST SIDE OF REISTERSTOWN ROAD, MARYLAND ROUTE 140, (66 FT. WIDE) AS SHOWN ON THE PLAT OF CHERRYVALE PLAZA RECORDED IN PLAT BOOK 45, FOLIO 3, A DISTANCE OF 390 FT. MORE OR LESS FROM THE CENTERLINE OF CHERRY VALLEY ROAD; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING

SOUTH 47 DEGREES 08 MINUTES 00 SECONDS WEST, 200.00 FT.;  
SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 150.00 FT.;  
NORTH 47 DEGREES 08 MINUTES 00 SECONDS EAST, 200.00 FT.;

TO A POINT ON THE AFOREMENTIONED RIGHT OF WAY OF REISTERSTOWN ROAD; THENCE BINDING ALONG SAID RIGHT OF WAY

SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 26.00 FT.;

THENCE LEAVING SAID RIGHT OF WAY AND RUNNING

SOUTH 47 DEGREES 08 MINUTES 00 SECONDS WEST, 200.00 FT. ;  
SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 155.06 FT. .

TO THE NORTHERN RIGHT OF WAY LINE OF CHERRY VALLEY ROAD (60 FT. WIDE); THENCE BINDING ALONG SAID RIGHT OF WAY

SOUTH 57 DEGREES 15 MINUTES 27 SECONDS WEST, 117.55 FT. ;  
A CURVE TO THE LEFT HAVING R=700.00 FT. AND L=135.50 FT. ;

THENCE LEAVING SAID RIGHT OF WAY AND RUNNING

NORTH 43 DEGREES 49 MINUTES 00 SECONDS WEST, 799.52 FT. .  
NORTH 47 DEGREES 08 MINUTES 00 SECONDS WEST, 150.00 FT. .  
NORTH 43 DEGREES 49 MINUTES 00 SECONDS WEST, 100.00 FT. .  
NORTH 47 DEGREES 08 MINUTES 00 SECONDS EAST, 300.05 FT. .

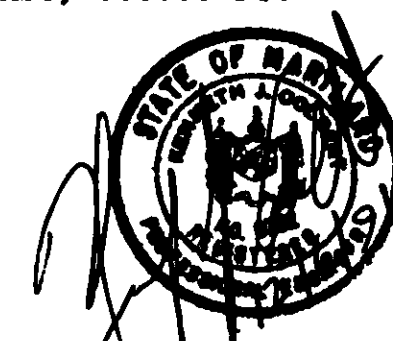
TO THE AFOREMENTIONED RIGHT OF WAY LINE OF REISTERSTOWN ROAD; THENCE BINDING ALONG SAID RIGHT OF WAY

SOUTH 43 DEGREES 49 MINUTES 00 SECONDS EAST, 600.00 FT. .

TO THE POINT OF BEGINNING.

CONTAINING 7.758 ACRES OF LAND, MORE OR LESS.

DESCRIPT\CHERRYVL.ZON



256

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

92-244-A

District: 4th  
Posted for: Variance Date of Posting: December 30, 1991  
Petitioner: Turnpike Associates  
Location of property: S/S Reisterstown Road, 390' W of c/l of Cherry Valley Road  
11702-11716 Reisterstown Road, 4th Election District  
Location of Sign: S/S Reisterstown Road on front of subject property  
Remarks:  
Posted by: S. J. Berman Date of return: January 3, 1992  
Number of Signs: 1

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-244-A  
S/S Reisterstown Road, 390' W of c/l of Cherry Valley Road  
11702-11716 Reisterstown Road  
(Cherryvale Plaza)  
4th Election District  
2nd Councilmanic District  
Petitioner:  
Turnpike Associates  
Hearing Date: Tuesday, Jan. 21, 1992 at 10:00 a.m.

Variance to permit 416 parking spaces in lieu of the required 545 parking spaces.  
LAWRENCE E. SCHMIDT,  
Zoning Commissioner of Baltimore County  
01/16/92 January 2

#### "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. 12 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12 1992

OWINGS MILLS TIMES,

S. Zebe Orlow  
Publisher

\$61.91

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Petitioner:  
Turnpike Associates  
Hearing Date: Tuesday, Jan. 21, 1992 at 10:00 a.m.

Variance to permit 416 parking spaces in lieu of the required 545 parking spaces.  
LAWRENCE E. SCHMIDT,  
Zoning Commissioner of Baltimore County  
01/16/92 January 2

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 12 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12 1992

THE JEFFERSONIAN,

S. Zebe Orlow  
Publisher

\$61.91

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

92-244-12-91

175.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

92-244

175.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 1-17-92

Turnpike Associates  
115 Subbrook Lane  
Baltimore, Maryland 21208

ATTN: PHILIP KLEIN & WILLIAM BOHRER

RE:

CASE NUMBER: 92-244-A  
S/S Reisterstown Road, 390' W of c/l Cherry Valley Road  
11702-16 Reisterstown Road (Cherryvale Plaza)  
4th Election District - 3rd Councilmanic  
Petitioner(s): Turnpike Associates

Dear Petitioner(s):

Please be advised that \$ 86.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon  
DIRECTOR

cc: Julius Lichter, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DECEMBER 17, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-244-A  
S/S Reisterstown Road, 390' W of c/l Cherry Valley Road  
11702-16 Reisterstown Road (Cherryvale Plaza)  
4th Election District - 3rd Councilmanic  
Petitioner(s): Turnpike Associates

HEARING: TUESDAY, JANUARY 21, 1992 at 10:00 a.m.

Variance to permit 471 parking spaces in lieu of the required 545 parking spaces.

Lawrence E. Schmidt  
Zoning Commissioner of  
Baltimore County

cc: Julius Lichter, Esq.  
Turnpike Associates

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

January 21, 1992

Julius W. Lichter, Esquire  
305 W. Chesapeake Avenue, Suite 113  
Towson, MD 21204

RE: Item No. 256, Case No. 92-244-A  
Petitioner: Philip Klein, et ux  
Petition for Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: January 21, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 12th day of December, 1991.

Arnold Jablon  
DIRECTOR

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Philip Klein, et al  
Petitioner's Attorney: Julius W. Lichter

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: January 14, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famali

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: December 21, 1991

ITEM NUMBER: 256

It appears that a few more parking spaces could be added to decrease the existing parking imbalance.

Rahee J. Famali  
Traffic Engineer II

RJP/lvd

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500 (301) 887-4500

JANUARY 7, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: TURNPIKE ASSOCIATES  
Location: #11702-16 REISTERSTOWN ROAD  
Item No.: 256 Zoning Agenda: DECEMBER 23, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

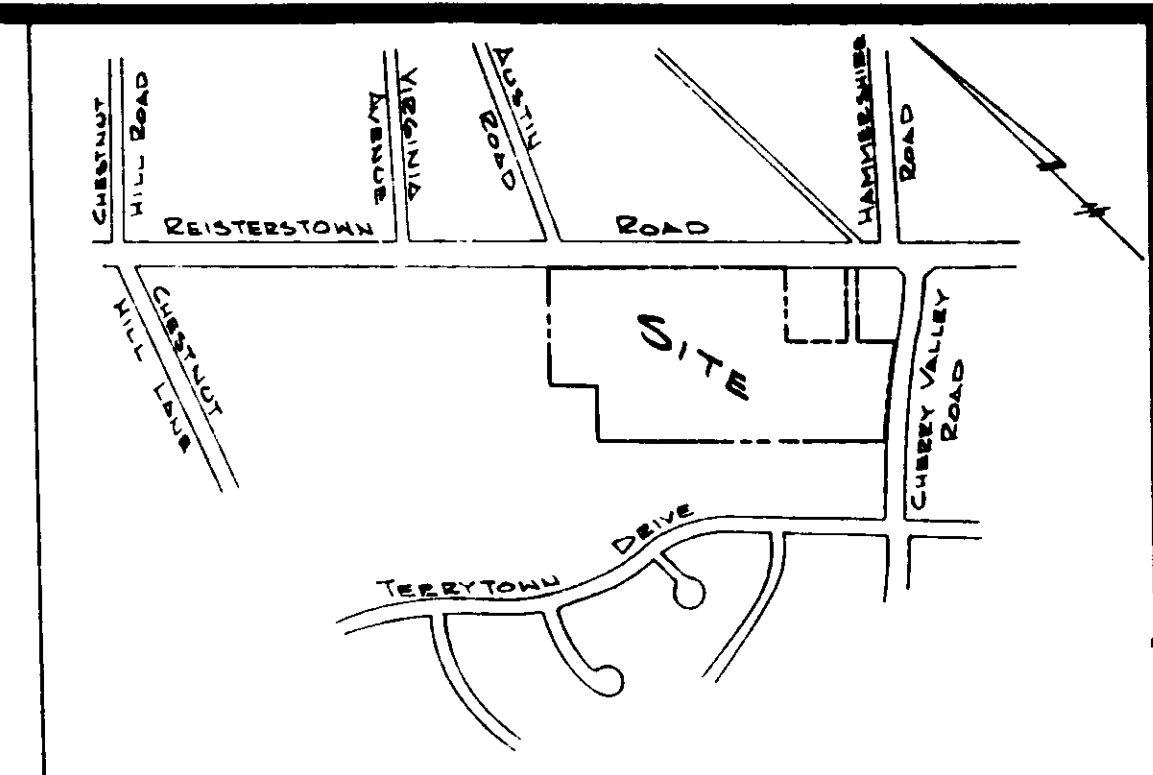
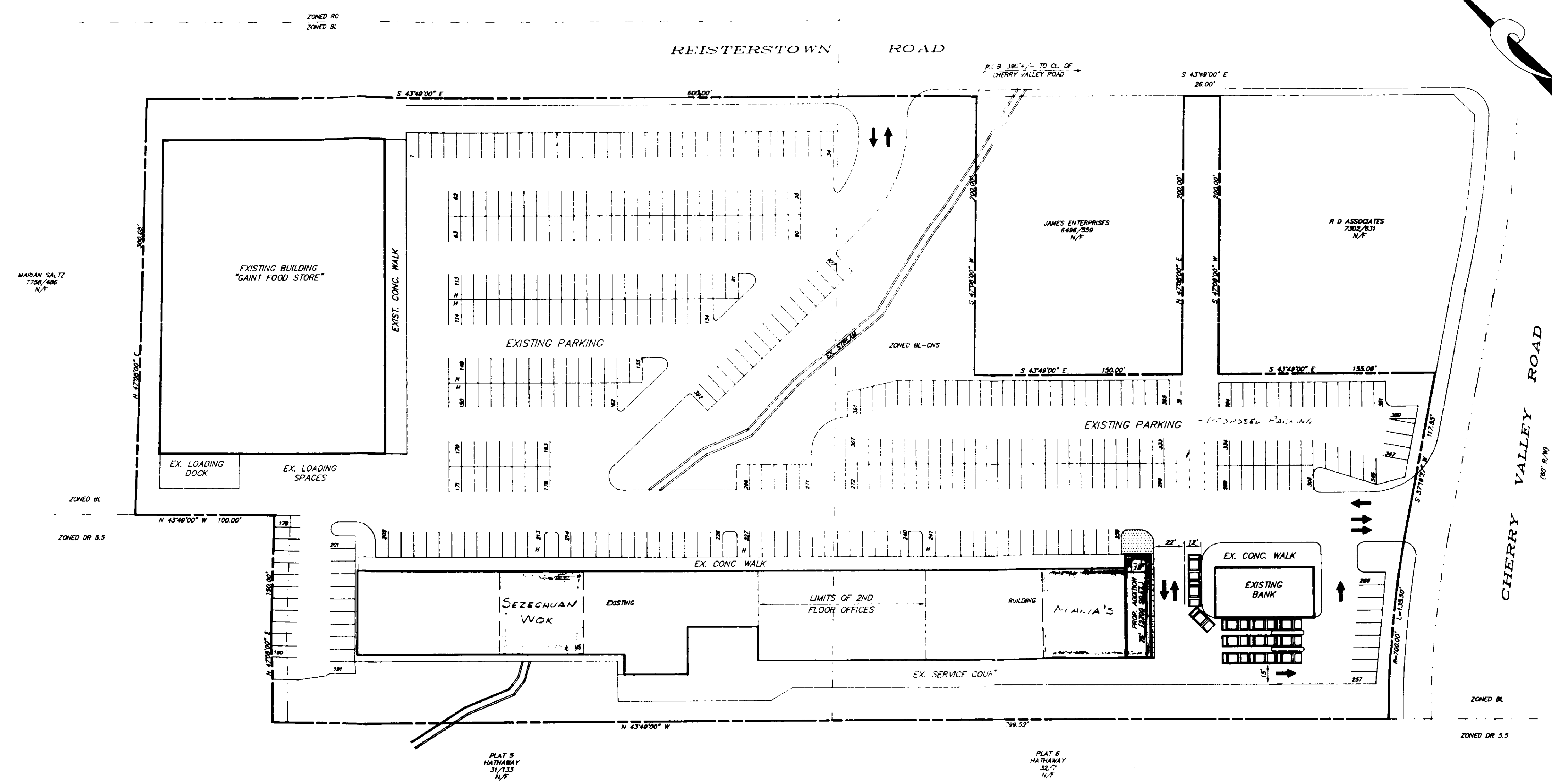
REVIEWER: [Signature] Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

**RECEIVED**  
DEC 26 1991  
**ZONING OFFICE**

CIVIL ENGINEERS • LAND SURVEYORS

10209 SALLY CT GILCOTT NJ  
26 Jones Falls Ter  
COLBERT ENGINEERING, INC  
3723 OLD COURT RD BOST 21200



**GENERAL NOTES:**

- 1) OWNER/APPLICANT  
TURNPIKE ASSOCIATES ATTN: MR. WILLIAM BERMAN  
115 SUDBROOK LANE, SUITE 200  
BALTIMORE, MARYLAND 21208
- 2) ELECTION DISTRICT: 4
- 3) COUNCILMANIC DISTRICT: 3
- 4) CENSUS TRACT: 4044.01
- 5) WATERSHED: 27 SUBSEWERSHED: 67
- 6) AREA OF SITE: 7.758 AC. OR 337,938.48 SQ.FT. MORE OR LESS
- 7) PARKING REQUIRED: 545 SPACES  
EXIST. PARKING: 407 SPACES  
PROP. PARKING: 3 SPACES  
TOTAL PARKING: 410 SPACES
- 8) ZONING: BL, BL-CNS AND DR 5.5
- 9) PLAT REFERENCE: CHERRYVALE PLAZA E.H.K. Jr. 45/3

VARIANCE  
VARIANCE TO SECTION 408.6(A)(2) TO PERMIT 410 SPACES  
IN LIEU OF THE REQUIRED 545 SPACES.

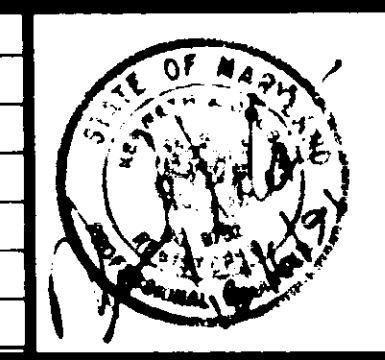
TENANT	PARKING TABULATION "CHERRYVALE PLAZA" BY TENANT USE CATEGORY					
	OFFICE	RETAIL	RESTAURANT	PERSONAL SERVICES	BEAUTY SHOP	MEDICAL OFFICE
	5,311,900	5,100	201,000	3,310,000	5,100	4,511,900
FIRST FLOOR:						
MARYLAND NATIONAL BANK	2200					
MARIA'S RESTAURANT			6600		1625	
THE LAUNDRY BASKET					1350	
NUTRI-SYSTEM INC.						
VIDEO WORLD		1200				
VACANCY		297				
FOOD GIFT		600				
EPICOT COMPUTERS		800				
NEAL NORMAN COSMETICS		800				
FASHION BUS		5270				
SELECTION WOK			3600			
LASTING PAINTS		1280				
HAIR CUTTERY					1200	
ANDY'S HALLMARK		2400				
GIANT FOOD		37084				
DRY CLEANERS				1260		
WINE SHOPPE		225				
SECOND FLOOR:						
DENTIST						1575
CHIROPRACTOR						1199
ALLSTATE INSURANCE	570					
TRAVEL CO.	858					
COMPUTER CO.	510					
EMPLOYMENT AGENCY	521					
VACANCY	1200					
ATA ALARMS	236					
TOTAL SQ. FT.	7035	56455	10200	4925	1200	2774
TOTAL SPACES REQUIRED	13,12 SF	282,1 SF	204 SF	18,3 SF	6 SF	1215 SF
TOTAL SPACES REQUIRED BY USE CATEGORY: 544.1 PARKING SPACES						

*Peterson's Exhibit #1  
JMK*

VARIANCE PLAN  
"CHERRYVALE PLAZA"  
REISTERSTOWN ROAD AND CHERRY VALLEY ROAD  
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND  
SCALE: 1" = 50' DATE: SEPTEMBER, 1991

**COLBERT ENGINEERING INC.**  
DUMBARTON SQUARE  
3723 OLD COURT ROAD, SUITE 208  
BALTIMORE, MARYLAND 21208  
PHONE: (301) 653-3838

DESIGNED BY 89028	CHECKED BY 89028	DATE DEC. 91	SCALE 1" = 50'	NO.	DATE	REVISION	BY



Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

January 25, 1995

(410) 887-3353

Kenneth J. Colbert, P.E.  
Colbert, Matz, Rosenfelt & Woolfolk, Inc.  
3723 Old Court Road  
Suite 206  
Baltimore, MD 21208

RE: Cherryvale Plaza  
Zoning Case #92-244-A  
4th Election District

Dear Mr. Colbert:

Reference is made to your letter of January 23, 1995 in which you requested an interpretation that the proposed modifications to the site plan, which accompanied the above referenced zoning case, are within the spirit and intent of said hearing.

The variance allows for 416 parking spaces in lieu of the required 545. The modified plan provides 410 parking spaces in lieu of a lesser 520. Due to the request of the Department of Public Works to eliminate 6 parking spaces and given that the addition will be smaller than once proposed requiring less parking, it is the decision of the zoning office that the modifications are within the spirit and intent of the last approved zoning case.

Please be advised that at the time of building permit application, all applicable zoning standards and other county agency requirements must be complied with. If I can be of further assistance, please do not hesitate to contact me at 887-3391.

Very truly yours,

  
Mitchell J. Kellman  
Planner II

MJK:scj

Enclosure (receipt)

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PUBLIC REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 1/25/95 ACCOUNT 51210

AMOUNT \$ 100.00

RECEIVED FROM Colbert, Matz, Rosenfelt & Woolfolk, Inc.

FOR Cherryvale Plaza

VALIDATION ON SIGNATURE OF CASHIER

DATE COPIES: PINK (JANUARY) YELLOW (OTHER)

Colbert Matz Rosenfelt & Woolfolk, Inc.  
Civil Engineers • Landscape Architects • Land Surveyors • Land Planners

January 23, 1995

Mr. Arnold Jablon, Director  
Baltimore County Office of  
Zoning and Development Management  
111 W. Chesapeake Avenue  
Towson, MD 21204

ATTN: Mitch Kellman

SUBJECT: Cherryvale Plaza  
Variance Case #92-244-A  
CMRW Contract #89028

Dear Mr. Jablon:

Pursuant to my telephone conversation with Mr. Kellman, I am enclosing three (3) copies of the Plan for the subject variance upon which I have shown, in red, some minor modifications.

The Variance was necessitated by the proposed 2700 sq. ft. addition to the Maria's Restaurant. The scope of this addition has been reduced to 1462.5 sq. ft. which reduces the parking requirements from 545 spaces to 520 spaces.

While reviewing the plans for the Building Permit (B-219627) for the Maria's addition, the Department of Public Works requested that six (6) of the spaces proposed and approved on the Variance Plan be removed.

The Variance as granted permitted 416 spaces in lieu of the the required 460 spaces for a reduction in parking requirements of 129 spaces. The attached Plan, as revised, provides 410 spaces in lieu of the required 520 spaces for a reduction of 110 spaces, a lesser relief than that granted in the subject Variance.

On behalf of the Owner/Developer of the project, we request that those modifications be approved as being within the spirit and intent of the Variance granted.

Sincerely,

Kenneth J. Colbert, P.E.  
Colbert Matz Rosenfelt & Woolfolk, Inc.

Enclosure

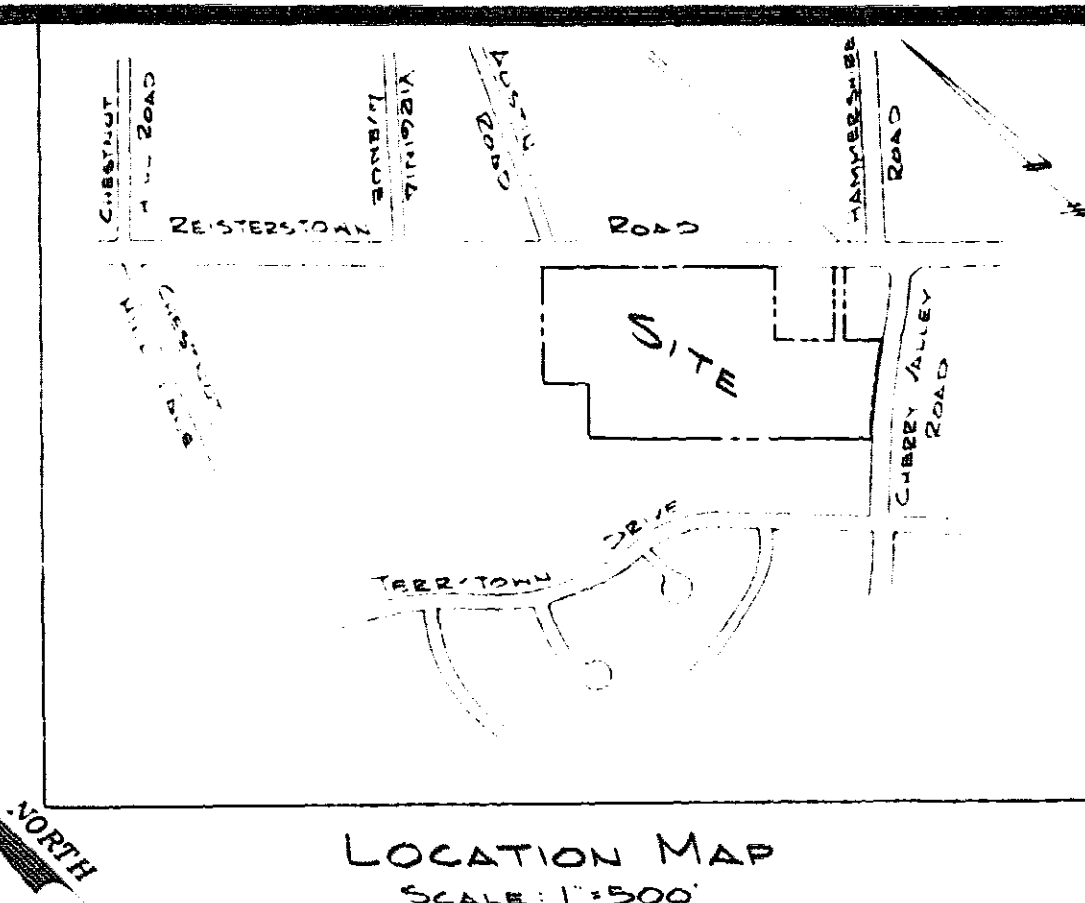
cc: Turnpike Associates c/o Metropolitan Management

j:\colbert\letters\89028.wpt

3723 Old Court Road, Suite 206  
Baltimore, Maryland 21208

Printed on Recycled Paper

Telephone: (410) 853-3838  
Facsimile: (410) 853-7953



- 1) OWNER: APLI, CAST  
JAMES & DEBORAH, ATTN: MR. WILLIAM BERMAN  
115 S. BROOK LANE, SUITE 200  
BA, WORTH, MASSACH. 02128
- 2) ELECTION DISTRICT: 4
- 3) COUNCILMANIC DISTRICT: 3
- 4) CENSUS TRACT: 4044.01
- 5) WATERSHED: 27 SUBSEWERSHED: 67
- 6) AREA OF SITE: 7.758 AC. OR 337,939.48 SQ.FT. MORE OR LESS
- 7) PARKING REQUIRED: ~~520~~ 525 SPACES  
EXIST. SPACES: 40 SPACES  
NEW SPACES: 485 SPACES  
TOTAL PARKING: 525 + 485 = 1010
- 8) ZONING: BL-BL-CNS AND OR 5.5
- 9) PLAT REFERENCE: CHERRYVALE PLAZA C.H.K. JR. 45/3

VARIANCE 410  
VARIANCE TO SECTION 409.6(A)(2) TO PERMIT ~~410~~ SPACES  
IN LIEU OF THE REQUIRED ~~545~~ SPACES.  
520

### VARIANCE PLAN

"CHERRYVALE PLAZA"

REISTERSTOWN ROAD AND CHERRY VALLEY ROAD  
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND  
SCALE: 1"= 50' DATE: SEPTEMBER, 1991

DUMBARTON SQUARE  
3723 OLD COURT ROAD, SUITE 206  
BALTIMORE, MARYLAND 21208  
PHONE:(301) 653-3838

SURVEYED BY	DESIGNED BY	DRAWN BY W.E.S.	CHECKED BY K.J.C.	DATE DEC. 91	SCALE 1" = 50'
DWG. NO. 89028	A/C FILE 89028	GRID	JOB NO. 89028	SHEET OF	
NO. DATE REVISION BY					